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3. Zindan
P.B. file

ALFRED F. DOUGHERTY

LAWYER

P. O. Box 593
SUITE 6-- GRANITE BUILDING
30% NORTH MAIN
HELENA, MONTANA
59601

RECEIVED

OCT 16 1979

POLE ATTACHMENT
BRANCH

FILED/ACCEPTED

APR 26 2010

Federal Communications Commission
Office of the Secretary

WC 10-101

11 October 1979

DOCKET FILE COPY ORIGINAL

Ms. Madeleine L. Cottrill
Secretary
Montana Public Service Commission
1227 Eleventh Avenue
Helena, Montana 59601

PA-79-0034

Re: Docket No. 6705

Dear Ms. Cottrill:

Filed herewith are an original and six copies of
a Petition to Intervene by Montana Cable Television
Association, with attached certificate of service.

Sincerely,

Alfred F. Dougherty

ALFRED F. DOUGHERTY
Attorney for Montana
Cable Television Association

AFD:ah
Enclosures

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

DEPARTMENT OF PUBLIC SERVICE REGULATION OCT 16 1979

RECEIVED

POLE ATTACHMENT
BRANCH

IN THE MATTER of the Application
for a Declaratory Ruling on the
Commission's Jurisdiction of the
Rates, Terms and Conditions for
the Use of Public Utility Facili-
ties by Cable Television Operators.

Docket No. 6705

PETITION TO INTERVENE BY MONTANA CABLE
TELEVISION ASSN., A MONTANA CORPORATION

COMES NOW, MONTANA CABLE TELEVISION ASSN. (MCTA), a
Montana corporation, pursuant to Sub-chapter 30, Chapter 2,
Overall Department Rules for Public Service Regulation
(Section 38-2.2(30)-P2290 to -P2340, Administrative Rules of
Montana) and for its Petition to Intervene represents as
follows:

I.

That MCTA is a trade association composed of members
(individuals, partnerships and corporations) which own and
operate cable television systems within the State of Montana;
that most of said members use or occupy space on the utility
poles of Petitioner, the Montana Power Company, and other
utilities under special contracts therefor.

II.

That for the purpose of this Petition and these proceedings

the post office address of MCTA is and shall be:

Montana Cable Television Association
P. O. Box 593
Helena, Montana 59601

III.

That the attorney for MCTA in this proceeding is:

Alfred F. Dougherty
P. O. Box 593
Helena, Montana 59601

All notices and other documents relating to this case should be served upon the attorney for MCTA at the address shown above.

IV.

That Petitioner's Request for Declaratory Ruling proposes that this Commission exercise jurisdiction or authority over the rates, terms and conditions of contracts between the members of MCTA and Petitioner and other public utilities relating to the use or occupancy of said utility property.

V.

That the use and occupancy of said public utility property by the members of MCTA are outside of Petitioner's area of public service and not within the jurisdiction or authority of the Public Service Commission of the State of Montana.

VI.

That 47 U. S. C. Section 224(b) provides that the Federal

Communications Commission of the United States shall regulate the rates, terms and conditions for pole attachments to provide that such rates, terms, and conditions are just and reasonable, and shall adopt procedures necessary and appropriate to hear and resolve complaints concerning such rates, terms and conditions in any state in which such matters are not regulated by said state.

VII.

That the State of Montana has not vested in this Commission or any other agency of the State of Montana the jurisdiction, power or authority to consider the interests of the subscribers of cable television services as well as the interests of the consumers of utility services for the purpose of regulating the rates, terms and conditions for CATV pole attachments.

VIII.

That the State of Montana has not vested in this Commission or any other agency of the State of Montana the jurisdiction, power or authority to regulate the rates, terms and conditions governing the use of any of the facilities of public utilities operating within the State of Montana by CATV.

WHEREFORE, MCTA requests that the Commission:


1. Make its order permitting MCTA to intervene in all of the matters and things to be included in this Docket, No. 6705, and to become a party to this proceeding.

2. Make such findings of fact, conclusions of law and

orders as are necessary and proper to find and declare that this Commission has no jurisdiction, power or authority relating to the rates, terms and conditions for the use of public utility facilities by CATV operators.

3. Make its order for such other and further relief as may be appropriate on the record of this proceeding.

DATED this 11th day of October, 1979.


ALFRED F. DOUGHERTY
Attorney for MONTANA CABLE
TELEVISION ASSOCIATION, a
Montana Corporation, Petitioner

Alfred F. Dougherty
Suite 6 - Granite Building
30½ North Main
P. O. Box 593
Helena, Montana 59601

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Petition has been served by mail, postage paid, upon the following interested parties:

Montana-Dakota Utilities Co.
400 N. Fourth Street
Bismarck, N. D. 58501
ATTN: J. R. Maichel

Pacific Power & Light Co.
Public Service Building
920 S. W. 6th Avenue
Portland, OR 97204
ATTN: C. P. Davenport

Mountain Bell
P. O. Box 960
Denver, CO 80201
ATTN: John Stoller, Esq.

General Telephone
1900 41st Street
P. O. Box 1003
Everett, WA 98206

Montana Light and Power Co.
Troy, Montana 59935
ATTN: W. J. Buyske, Manager

Washington Water Power Co.
1411 East Mission Avenue
P. O. Box 3727
Spokane, WA 99220
ATTN: J. P. Buckley

Black Hills Power & Light Co.
625 Ninth Street
P. O. Box 1400
Rapid City, S. D. 57709
ATTN: W. P. McNutt

Telephone System of the Northwest
Public Service Building
920 S. W. 6th Avenue
Portland, OR 97204
ATTN: A. M. Gleason

Continental Telephone
of the West
P. O. Box 5246
Bakersfield, CA 93308

Rattlesnake Cable Company
P. O. Box 1252
Missoula, MT 59801

Marshall's Cable
Milltown, MT 59851

Superior TV Cable Company
Superior, MT 59872

Community Television, Inc.
318 Milwaukee
Deer Lodge, MT 59722

Community Television Assoc.
of Havre, Inc.
P. O. Box 70
Havre, MT 59501

Helena Television
613 N. Main
Helena, MT 59601

Laurel Cable TV Company
Laurel, MT 59044

Livingston Community Antenna
Association
Livingston, MT 59047

Dillon Cable TV
25 East Hannack
Dillon, MT 59725

Hot Springs Telephone Co.
Hot Springs, MT 59845

Intermountain Telephone Co.
P. O. Box 20183
Billings, MT 59101

Patnal Telephone Co. of Saco
Saco, MT 59261

Ronan Telephone Co.
Ronan, MT 59864

Charles M. Meehan
Keller and Heckman
1150 14th Street N. W.
Suite 1000
Washington, D. C. 20036
(Counsel for Telecommunications Council)

Alan F. Cain
Hughes, Bennett & Cain
400 Fuller Avenue
P. O. Box 1166
Helena, MT 59601

Cal Robinson
Murphy, Robinson, Heckathorn
& Phillips Law Firm
1 Main
Kalispell, MT 59901

Lewistown Cable TV Co.
Masonic Temple
Lewistown, MT 59457

TelePrompter Cable Communications, Inc.
924 South 3rd Street West
Missoula, MT 59801

TelePrompter Cable Corporation
110 N. 3rd
Hamilton, MT 59840

Butte Television
201 East Front Street
Butte, MT 59701

Montana Cablevision, Inc.
804 2nd Avenue South
Glasgow, MT 59230

TelePrompter Cable Corporation
2910 10th Avenue South
Great Falls, Montana 59401

Montana Video
1124 16th Street West
Billings, MT 59102

Hardin Cable TV, Inc.
P. O. Box 815
Big Timber, MT 59011

Bozeman Community Television
233 East Main
Bozeman, MT 59715

Western Television
408 East Park Avenue
Anaconda, MT 59711

Lemhi Telephone Co.
P. O. Box 1007
Salmon, ID 83467

Lincoln-Helena Telephone Co.
Lincoln, MT 59639

Project Telephone Co.
Warden, MT 59088

Southern Montana Telephone Co.
Wisdom, MT 59761

R. Clark Wadlow
Hogan & Hartson
815 Connecticut Avenue
Washington, D. C. 20006
(Counsel for TelePrompter Corp.)

Lester H. Loble
Loble & Pauly
833 N. Last Chance Gulch
Helena, MT 59601

Federal Communications Commission
Common Carrier Bureau
1919 M. Street N. W.
Washington, D. C. 20554
ATTN: Jim Tollens

Barry Simon
TelePrompter Corporation
888 7th Avenue
New York, N. Y. 10019

Ray F. Koby
Swanberg, Koby, Swanberg &
Matteucci
314 Montana Building
P. O. Box 2567
Great Falls, MT 59401

Attorney for TelePrompter

James A. Robischon
Poore, Roth, Robischon & Robinson
Suite 400, Silver Bow Block
Butte, MT 59701

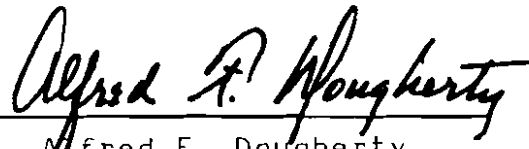
Attorney for TCI

Mark A. Clark
The Montana Power Company
40 East Broadway
Butte, MT 59701

Attorney for Montana Power Company

John Draper
Tele-Communications, Inc.
54 Denver Technological Center
Call Box 22595
Wellshire Station
Denver, CO 80222

Certified this 11th day of October, 1979.


Alfred F. Dougherty